

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LENWARD W. PULLIAM, JR.,	:	Case No. 1:18-cv-348
	:	
Petitioner,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Litkovitz
	:	
WARDEN, LONDON CORRECTIONAL	:	
INSTITUTION,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 13)
AND TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on November 12, 2019, submitted a Report and Recommendation. (Doc. 214). No objections were filed.¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation should be and is hereby **ADOPTED** in its entirety.

¹ Petitioner filed a “Supplemental to the October 10th, 2018, Objection to the R&R” on October 22, 2018 (Doc. 12). In reality, Petitioner’s filing of October 22, 2018 was a supplement to his response to the Respondent’s Return of Writ. It was not an “Objection to the R&R” because the Report and Recommendation (Doc.13) was not even entered by the Magistrate Judge until November 12, 2019, more than a year after Petitioner’s filing.

Accordingly:

1. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** as it is time-barred pursuant to 28 U.S.C. § 2241(d)(1).
2. A certificate of appealability should not issue with respect to any of the claims for relief alleged in the petition, which this Court has concluded are barred from review on a procedural ground, because under the first prong of the applicable two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), "jurists of reason" would not find it debatable whether the Court is correct in its procedural ruling.
3. With respect to any application by petitioner to proceed on appeal *informa pauperis*, the Court should certify pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting this Report and Recommendation would not be taken in "good faith," and therefore **DENY** petitioner leave to appeal *informa pauperis* upon a showing of financial necessity. *See Fed. R. App. P. 24(a); Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).
4. The Clerk shall enter judgment accordingly, whereupon this case is terminated and closed in this Court.

IT IS SO ORDERED.

Date: December 17, 2019

s/ Timothy S. Black

Timothy S. Black
United States District Judge